

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made in January 28, 2005,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995*,

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO
- and -
The Student

Members of the panel:

- Laura Trachuk, Chair
- Professor Stéphane Mechoulan, Faculty Panel Member
- Ms Indra Muthu, Student Panel Member

Appearances:

- Ms Lily Harmer for the University of Toronto

- Mr. Earl S. Heiber for the student
- The Student

A hearing was held on May 31, 2006 and on August 15, 2006 by the trial division of the University Tribunal to consider two charges under the *Code of Behaviour on Academic Matters, 1995* (the “Code”) laid against the student by letter dated January 28, 2005 from Professor Edith Hillan, Vice-Provost, Academic.

The panel of the Tribunal was made up of Indra Muthu, a student; Stéphane Mechoulan, a professor; and Laura Trachuk, outside legal counsel. Counsel for the University was Lily Harmer. Counsel for the student was Earl S. Heiber. The student did not attend the first evening of the hearing but was present on the second.

A. Notice of Hearing and Charges

The Notice of Hearing is dated May 1, 2006. At the commencement of the hearing, counsel for the student, Mr. Heiber, informed the Panel that he had only recently been retained by the student and had not had sufficient time to prepare for the hearing. He requested an adjournment so that he might prepare.

The Panel granted the request for an adjournment, but in view of submissions from the University, and noting the significant difficulties the student had presented the University in its

efforts to arrive at a hearing date, the panel ordered that conditions be attached to the adjournment including:

- a. that the University would serve the student through his counsel; and
- b. that the date for the reconvened hearing be set peremptorily.

The Panel's order is attached to this decision in an appendix.

The hearing was adjourned and subsequently reconvened on August 15, 2006.

At the commencement of the reconvened hearing, counsel for the University advised that the University was not proceeding on charges 2 and 5 leaving the following charges to be heard by the Tribunal:

1. In or about November 2003, you did knowingly forge or in any other way alter or falsify an academic record, and/or did knowingly utter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely, a Display of Academic History, contrary to Section B.I.3(a) of the *Code of Behaviour on Academic Matters*, 1995 ("Code").
3. On or about January 19 2004, you did knowingly forge or in any other way alter or falsify an academic record, and/or did utter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a Transcript of Consolidated Academic Record, contrary to section B.I.3(a) of the Code.
4. In the alternative, on or about January 19, 2004, you did knowingly forge or in any other way alter or falsify any document or evidence required by the University, and/or utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form, namely, a list of Activities attached to an AADSAS-2004 Letter of Evaluation Matching Form, contrary to Section B I.3.(b) of the Code.

B. Particulars of the Charges

The particulars of the charges were as follows:

1. At all material times you were a student at the University of Toronto at Mississauga.
2. In or about November 2003, you submitted a document to Professor Lange that purported to be a University of Toronto transcript in the form of a Display of Academic History purportedly printed from the student web service screen. The document did not accurately reflect the information contained on your official University of Toronto transcript and academic record. Rather, the document that you created and/or submitted to the University misrepresented, altered and falsified many of the marks that you had received for University of Toronto courses, and misrepresented your grade point averages, as reflected in the attached Table 1.

3. In or about January 19, 2004, you submitted a document to Professor Ghobriel that purported to be a Transcript of Consolidated Academic Record from the University of Toronto. That document did not accurately reflect the information contained in your official University of Toronto transcript and academic record. Rather, the document that you created and/or submitted to the University misrepresented, altered and falsified many of the marks that you had received for University of Toronto courses, and misrepresented your grade point averages and other information, as reflected in the attached Table 2.
4. In addition, the falsified Transcript of Consolidated Academic Record submitted to Professor Ghobriel indicated that as of the 2002 Winter term you had 21.0 credits, and were eligible to convocate. This misrepresented your status as you were not eligible to convocate with a degree from the University of Toronto at that time.
5. Furthermore, you misrepresented information contained in the AADSAS - 2004 Letter of Evaluation Matching Form submitted to Professor Ghobriel, with the intent that he includes this form in a letter of evaluation to be forwarded to the Associated American Dental Schools Application Service. In particular, you misrepresented that you were a teaching assistant for first year biology courses offered at the University of Toronto in Mississauga, when you were not.

Table 1 and Table 2 are attached as appendices to this decision.

C. Agreed Statement of Facts

The panel was provided with an Agreed Statement of Facts signed by The Student and Counsel for the University which was entered into evidence. The Agreed Statement of Facts is attached as an appendix to this decision.

D. Plea

The Student pleaded guilty at the hearing to the charges presented by the University. Paragraph 20 of the Agreed Statement of Facts notes The Student's plea. After deliberation, the panel accepted the guilty plea.

E. Submissions on Penalty

A Joint Submission with respect to sanction and signed by The Student and Counsel for the University was presented to the panel for consideration. The joint submission is attached as an appendix to this decision. It recommended the following:

1. The University of Toronto and The Student submit to the Tribunal that:
 - (a) the Tribunal recommend to the President that The Student be expelled from the University;
 - (b) the appropriate penalty in all the circumstances of this case is that, pending the decision of the Governing Council, The Student be suspended from the University for a period of five years.

2. The University of Toronto and The Student submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with The Student's name withheld.

The panel heard submissions from counsel for the University and for the student. Both parties agreed that the appropriate penalty in all of the circumstances was a recommendation by the Tribunal that the Student be expelled from the University of Toronto.

Counsel for the University highlighted the seriousness of the offences and emphasized the importance of the integrity of the University's transcripts and academic records. The Panel was presented with a book of authorities and reviewed past decisions of the University Tribunal in similar cases.

Through his counsel, the student agreed with the University regarding the seriousness of the offences. He acknowledged the offences, accepted the consequences and noted that he was appearing before the Tribunal to take responsibility for his actions in person.

The panel thanked the parties for their submissions.

F. Reasons for Decision

The panel unanimously accepts and imposes the Joint Submission on Penalty.

The panel notes that the proposed penalty appropriately reflects the very serious nature of the offences. The student knowingly engaged in two instances of falsifying his academic records, including presenting a false transcript to a professor. His efforts were an attempt to fool faculty members into supporting his application to dental school.

The falsification of academic records affects all members of the University community. The University's records must be seen to be reliable or everyone's records are diminished. The University must therefore be rigorous in protecting the integrity of those records.

The penalty proposed appropriately sends a message to anyone who might contemplate a similar act as well as sending a message to the community that the University takes such matters extremely seriously.

For all of these reasons, the panel unanimously imposes the penalty set out in the Joint Submission on Penalty. Namely:

G. Penalty

The Panel imposes the following sanctions:

1. (a) that we recommend to the President that The Student be expelled from the University of Toronto; and
- (b) pending the decision of Governing Council, that The Student be suspended for a period of five years effective immediately; and

2. That this case be reported to the Provost who may publish a notice of the decision and the sanctions imposed with The Student's name withheld.

H. Award of Costs

At the conclusion of the hearing, counsel for the University asked the Panel to award the cost of external disbursements incurred by the University in its efforts to contact the Student and set a hearing date. The panel heard submissions from the University regarding the lengthy and expensive nature of those efforts and had an opportunity to review the Tribunal's decision in the case of Mr. K, which was similar in many respects. Counsel for the University took the Panel to section C.II.a.17(b) of the Code which sets the Tribunal's authority to award costs.

The University noted that, in the end, the Student had cooperated with the University and, as a consequence, they were not asking the Panel to award the University's total costs, but only its external disbursements. The University indicated that they were seeking \$1660.96.

The Student, through his counsel, did not contest the University's request; he only asked that, if the Panel awarded costs, he be allowed six months from the date of the hearing or the decision of the Governing Council on the Panel's recommendation of expulsion to remit payment. The University asked that the deadline for payment be set as February 15, 2007, six months from the date of the hearing.

The Panel, after deliberating, unanimously accepted the University's request and ordered the Student to pay costs of \$1660.96 to the University on or not later than February 15, 2007.

Laura Trachuk, Chair